

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-11 are currently pending. Claims 1, 3, and 8-10 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 3.

Specification

The Examiner objects to the Specification for being inconsistent in the spelling of “localization.” Applicant has amended paragraph [0010] of the publication of the present application to make the spelling of localization consistent with the claims, and has indicated that the remaining instances of the phrase are spelled “localisation” as is consistent with the British English spelling of the term. Applicant notes that the Examiner should not object to words/phrases validly used in other forms of English, such as British English. However, in an effort to further prosecution, Applicant has made the two instances, localisation and localization, equivalent in paragraph [0010] as amended. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Amendments

All the claims are amended for purposes of clarification and to correct minor informalities. No new matter is added by way of these amendments. Support may be found, for example, at least in paragraphs [0010], [0050]-[0057], and [0068] of the publication of the present application.

Rejection(s) under 35 U.S.C. § 112

Claims 1, 3, and 8-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because it is unclear as to which localization the wherein clause pointed out on page 2 of the Action modifies. The independent claims are amended to specifically require that the wherein clause modify both the service provider offer localization *and* the stream localization. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C. § 102

Claims 1-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Pub. No. 2005/0028206 ("Cameron"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

For anticipation under § 102, "[a] claim is anticipated only if *each and every element* as set forth in the claims is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added). Further, "[t]he identical invention must be shown in as complete detail as is contained in the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Applicants assert that Cameron fails to disclose each and every element of the amended independent claims.

Specifically, the claimed invention relates to multicasting offers for multimedia services in a transport stream bundle. *See* publication of present application, Abstract. In the claimed invention, there are multiple types of information that are each multicast to a different localization (IP address and port). The multiple types of information include offer information,

stream information, and the multi-service transport stream itself. Each of these pieces of information is multicast to a distinct localization. That is (i) offer information is multicast to a predetermined offer localization known to the subscriber's set top box (STB); (ii) stream information is multicast to a service provider offer localization; and (iii) the transport stream is multicast in the form of IP packets to a stream localization. See publication of present application, paragraphs [0050]-[0057]. Applicant respectfully asserts that Cameron fails to disclose such distinct localizations that are used to multicast different pieces of information which are all needed in order for a subscriber's set top box to receive offers for multimedia services and obtain the transport stream corresponding to selected services from the bundle of transport streams.

Specifically, Cameron relates to a *computer software application* for end-to-end management of the delivery of IP-configured integrated multimedia signals to a subscriber's device. Thus, in contrast to the claimed invention, Cameron is focused on the code (software) application that facilitates the delivery of multimedia signals to a subscriber's set top box. Further, also in contrast to the claimed invention, Cameron is focused on the end-to-end management of this information, *i.e.*, how the user using a *PC component* is able to "tune" to the right channel to pick up a selected multimedia program. See Cameron, paragraph [0068].

Applicant respectfully asserts that the cited portions of Cameron fail to anticipate the amended independent claims. With respect to the two distinct localizations, *i.e.*, the service provider offer localization and the stream localization recited in independent claims 1, 3, and 8-10, Applicant respectfully asserts that Cameron fails to disclose both of these localizations as defined in the independent claims. The Examiner cites two main portions of Cameron, paragraph [0066] and [0071], as disclosing the aforementioned two localizations. See Action

mailed May 29, 2009, page 4. Applicant respectfully asserts that the Examiner's contentions are incorrect for the following reasons.

Cameron discloses, in paragraph [0066], a DTVM (software application) that includes a feature for multicast download where information required to boot a network device to a multicast group is constantly delivered by a network server. The DHCP server is configured to return the multicast address and port as parameters in a BOOTP response. The network device is programmed to join the multicast group and download a bootstrap program to local memory and boot from the local memory rather than across the network. Thus, the cited portion of Cameron discloses a multicast address and port that are used for when a *network device wishes to join a multicast group*. The multicast address and port disclosed in this cited portion of Cameron is not used to multicast stream information (*i.e.*, transport stream information) nor is it used to multicast a transport stream itself in the form of IP packets. Thus, the multicast address and port mentioned in paragraph [0066] of Cameron cannot be equated to either the stream localization or the service provider offer localization, because the multicast address and port in this cited portion of Cameron are not used for the same purpose (*i.e.*, to multicast a transport stream itself or transport stream information that links a multi-service transport stream and a stream localization within the IP multicast network) as either the stream localization or the service provider offer localization recited in the independent claims.

In addition, paragraph [0071] of Cameron recites "[c]hannel selection for the PC component is identical to that for the STB in that when the user selects a channel from the channel lineup, the system checks for the source type of the channel and, if it's video/audio, it gets the IP multicast address and port of the selected channel from the IPG Related Data object and 'tunes' into the channel by joining the multicast address, thereby retrieving the signal from

the transport network.” Here, the disclosed IP multicast address and port of Cameron are used to tune to a particular channel for a PC component. Applicant respectfully asserts that tuning to a selected channel, or sending information related to which channel to tune to, is not equivalent to either stream information or a transport stream itself, which is the type of information multicast to the service provider offer localization and the stream localization in the claimed invention.

The Examiner attempts to equate the selected channel of Cameron with a multi-service transport stream. *See* Action mailed May 29, 2009, page 4. Applicant respectfully disagrees. A channel is a frequency on which an audio/visual program is broadcast. In contrast, a transport stream is a series of data packets that carry a plurality of services associated with an offer for multimedia services. *See* publication of present application, paragraph [0005]. A multi-service transport stream includes, by definition, a plurality of services, whereas the selected channel disclosed in Cameron does not include multiple services, but rather, broadcasts a single program. Therefore, even if the selected channel of Cameron is multicast to the IP address and port mentioned in paragraph [0071] of Cameron, the selected channel cannot possibly be equated with the multi-service transport stream, and therefore, the IP address and port of Cameron is not equivalent to a stream localization as required by the independent claims.

The multicast address and port mentioned in paragraph [0071] of Cameron also cannot be equivalent to a service provider offer localization as claimed, because channel information is not equivalent to stream information that is multicast to the service provider offer localization in the claimed invention for the same reasons mentioned above. Further, the channel information disclosed in Cameron does not *link* a multi-service transport stream and a stream localization within the IP multicast network, and thus, simply cannot be equated with stream information as

defined in the claimed invention. The selected channel in Cameron has nothing to do with a transport stream or transport stream information.

In view of the above, it is clear that Cameron fails to disclose (ii) and (ii) recited above as required by the independent claims. Moreover, independent claims 1, 9, and 10 each require a pre-determined offer localization at which offer information is multicast. There is no such predetermined offer localization in Cameron. In fact, with respect to the rejection of claim 9 on page 12 of the Action mailed 5/29/09, the Examiner does not cite any portion of Cameron as being equivalent to a predetermined offer localization. Thus, Applicants assert that Cameron fails to disclose the required predetermined offer localization as required by (i) above. Therefore, independent claims 1, 9, and 10 are separately patentable for at least the above additional reason. Furthermore, dependent claim 6 also recites a pre-determined offer localization, and is separately patentable over the cited art for the same reasons indicated above.

In view of the above, the Examiner's contentions fail to support an anticipation rejection of the amended independent claims. Pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number [11345/058001]).

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Respectfully submitted,

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